

## Council Meeting Staff Report

April 18, 2018

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<b>Agenda No.:</b>	6.D
<b>Indexes (Council Goals):</b>	BCC - N/A
<b>Presenters:</b>	Bob Westervelt
<b>Legislative File:</b>	10581-18

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### Title

Approval of Re-appointment of Deputy Utility Manager of Finance and Administration, Bob Westervelt, as Los Alamos' Member on the New Mexico Municipal Energy Acquisition Authority (NMMEAA) Board of Directors

### Recommended Action

**I move that the Board of Public Utilities approve re-appointment of Deputy Utility Manager of Finance and Administration, Bob Westervelt, as Los Alamos' member on the New Mexico Municipal Energy Acquisition Authority Board of Directors and forward to Council with a recommendation for appointment.**

### Staff Recommendation

Staff recommends that the Board approve as presented.

### Body

The Joint Powers Agreement (JPA) that formed the New Mexico Municipal Energy Acquisition Authority (NMMEAA) was ammended in 2008 to guarantee Los Alamos a seat on a seven member Board of Directors. Mr. John Arrowsmith, former Utilities Manager, was appointed as Los Alamos' initial representative in 2008, and was reappointed in October 2013. In anticipation of Mr. Arrowsmith's retirement, Deputy Utilities Manager for Finance and Administration Robert Westervelt was appointed in June of 2014. Mr. Westervelt was appointed to a four year term, whcih expires in June of 2018. Mr. Westervelt was recommended by Mr. Arrowsmith for the appointment as he had the knowledge and experience working with NMMEAA to serve in this position.

The JPA language is as follows:

"The Energy Acquisition Authority shall be governed by a seven-member board of directors (the "Board"). Each director shall have current experience in the operation of municipal utilities, the acquisition of energy supplies, and/or municipal finance in general, and shall be appointed as follows:

- A. The governing body of each Party shall appoint two directors.
- B. The fifth director shall be appointed by the Incorporated County of Los Alamos, New Mexico, as a local government participating in the acquisition of a long-term supply of natural gas pursuant to the Authority's initial energy acquisition transaction.
- C. The sixth and seventh directors shall be appointed by the other five directors; provided, that the governmentally-owned utility contracting for at least fifty percent (50%) of the total natural gas being acquired pursuant to the initial transaction undertaken by the Energy Acquisition Authority shall have the right to nominate one person each for appointment to the sixth and seventh director positions; and provided further, that such nominees shall have the qualifications described in the introductory paragraph of this Section 3.

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D. The governing body of each Party shall appoint replacement directors to fill vacancies in the Board positions appointed by that Party, and the remaining directors shall appoint a replacement director to fill any vacancy in the fifth director board position. Replacements for the sixth and seventh directors shall be appointed by the other five directors; provided, that the governmentally-owned utility contracting for at least fifty percent (50%) of the total natural gas being acquired pursuant to the initial transaction undertaken by the Energy Acquisition Authority shall have the right to nominate one person each for appointment as a replacement to the sixth and seventh director positions. All replacement directors shall have the qualifications set described in the introductory paragraph of this Section 3.

E. No director shall be a currently serving elected public official of the governing body of either Party to this agreement or of the governing body of a municipal participant.

F. Each director shall have a term of office of 4 years, but may be reappointed for additional terms as provided in this Section 3; provided, that a director appointed by the governmentally-owned utility as provided in paragraphs B and C of this Section may be replaced by the other directors if the Supply Agreement between the Authority and the governmentally-owned utility that appointed that director has been terminated."

**Alternatives**

The Board could choose not to approve appointment of Mr. Westervelt.

**Fiscal and Staff Impact**

None

**Attachments**

None